



Access to Independence and Mobility

May 11, 1998

Office of the Secretary
Federal Communications Commission
Washington, D.C. 20554

Dear Sirs:

Thank you for the opportunity to comment on WT Docket No. 96-198, Implementation of Section 255 of the Telecommunications Act of 1996.

- 24. We agree that the commission should issue specific guidance.
- 30. We agree that the FCC should give the Access Board guidelines substantial weight in developing its own regulations.
- 38. We support the enhanced definition of information on services.
- 42. We respectfully disagree with your exclusion of such things as voice mail and electronic mail from Section 255. They are an important part of Telecommunications and as such they must be regulated.
- 45. We strongly agree with your proposal here.
- 46. This would appear to be a reasonable approach.
- 49. We agree with the commission's position at paragraph 49.
- 50. We agree with Pacific and advocate for a menu of choices for persons with disabilities.
- 51. When there are multiple elements of a telecommunications system each party must be responsible for accessibility.
- 53. If equipment has a telecommunications use, it should be regulated by Section 255.
- 55. We support your position at paragraph 55.
- 56. We feel that if software is used for telecommunications purposes it should be covered by Section 255.
- 58. We agree with your position here.
- 60. Your position here is well reasoned.
- 61. The manufacturer and distributor should be allowed to apportion the accessibility requirements between them as they see fit as long as they are met.
- 65. While carriers are not responsible for service providers' decisions, they are responsible for making sure that their product is accessible.
- 66. As to the responsibility for accessibility and compatibility of equipment between the manufacturer or provider and the carrier, there must be a joint and separate liability. Accessibility requirements must be met and all parties must share responsibility.
- 70. We agree with your position here.
- 73. We agree with your position here.
- 75. We support your position here.

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79. We disagree with you here, see comment on "joint and separate" responsibility above.
80. It is not as important to determine who is responsible for accessibility problems as it is to get the problems corrected-this is accomplished by using a "joint and separate responsibility."
84. We agree with your position here.
90. One criteria of this definition could certainly be inclusion in a state wide distribution system. We don't feel that costs or number of people should necessarily be a factor-if a group of people need it-they should be able to obtain it.
92. We agree with your position here.
99. This approach seems reasonable.
105. In all cases the earlier accessibility is achieved in the design phase the lower the cost is.
108. Companywide resources, not just those of a unit should be considered when determining accessibility requirements.
110. We support determination on a case by case basis.
120. On a case by case basis it would have to be determined if modifications are readily achievable. The longer a product's life cycle, the stricter the "readily achievable" requirements should be.
121. We agree that no grace period is needed.
127. The fast track approach appears to be a good idea.
128. We agree with your position here.
132. There should be a single contact point for all complaints to a company and this should be made known to all customers.
133. Again, a single point of entry is best. A notification should be given to the party who files the complaint. The date the complaint was forwarded, to whom and contact information should be provided.
134. Yes the information should be made publically available. The list should include name, contact information, products or services the person handles. The information need not be mandatory.
135. The one business day goal would appeal to be reasonable. It would be appropriate to translate complaints in forms such as Braille before submitting a complaint.
136. Five business days appears to be a reasonable compromise.
137. Perhaps there could be a 30 working day outside limit on the fast track period. Perhaps the rule could be an amendment that says that either party or the commission.
138. We agree with your position here.
139. Could faxes or emails be used to allow copies to be made?
141. Your position here is a good one.
142. We agree with your proposal here.
143. We agree with your proposal here.
147. Your proposal here is a good one.
148. This is well reasoned, it would allow an advocate or an independent living center for an example to file a complaint.
149. The 2 year deadline would appear to be reasonable and there should be parity between equipment manufacturers and service providers.
150. This is a good position.
152. See reply at 139 above.

154. There should be a showing that the informal process has not worked. Where there are multiple complaints, they could be joined in one proceeding. There should be no deadline for filing for formal or alternative dispute resolution.

155. A filing fee should not be required. If a fee is required at a later time, it could be paid then. If a formal dispute resolution is denied, the fee should be returned. There is also another issue here. Very often people with disabilities have low incomes and this could prevent someone from filing a complaint-there should be a mechanism to prevent this from happening.

159. We agree with your position at 158 and a request for alternative dispute resolution should be allowed at anytime. If both parties agree to move from one mechanism to another, and it appears to not slow down the process, a change from one mechanism to another should be allowed. The Commission should facilitate the APP process as much as possible.

160. Groups like the AAES could help speed the resolution of complaints by providing technical expertise on new and existing technology.

161. Certainly the process outlined here could be useful but it must only be done with the consent of both parties.

167. Firms subject to Section 255 should have to provide information on how customers may contact them regarding accessibility issues and also how to contact the commission. Information such as names, titles, addresses, phone numbers, fax numbers and email addresses should be provided.

171. Your statement at 170 appears to be reasonable although many products as possible should be accessible.

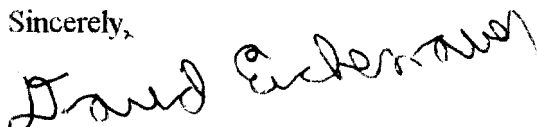
172. We believe that willful and repeated violations would justify damages and in such a case we would support compensatory and punitive damages. We would also support ordering the retrofit of any products where it could be shown that access was readily achievable.

173. Yes the existing common carrier complaint rules with respect to Section 255 should be modified to incorporate the processes developed here.

174. There should be a seal indicating compliance with Section 255.

Thank you for the opportunity to comment.

Sincerely,



David Eichenauer
Governmental Affairs Specialist

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